

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MONTENEQUE N. KNOX,

Petitioner,

vs.

E.K. McDANIELS, *et al.*,

Respondents.

3:11-cv-00682-ECR-VPC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1.) Based on the information concerning petitioner's financial status, the court finds that the motion to proceed *in forma pauperis* should be granted. Petitioner shall not be required to pay the filing fee for his habeas corpus petition.

IT IS THEREFORE ORDERED that petitioner's motion to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.

IT IS FURTHER ORDERED that the clerk shall **ELECTRONICALLY SERVE** the petition (ECF No. 3) upon the respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be

1 forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive
2 petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of
3 that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

4 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of
5 this order within which to answer, or otherwise respond to, the petition. In their answer or other
6 response, respondents shall address any claims presented by petitioner in his petition as well as any
7 claims presented by petitioner in any statement of additional claims. Respondents shall raise all
8 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
9 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
10 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
11 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
12 **five (45) days** from the date of service of the answer to file a reply.

13 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General
14 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration
15 by the court. Petitioner shall include with the original paper submitted for filing a certificate stating the
16 date that a true and correct copy of the document was mailed to the Attorney General. The court may
17 disregard any paper that does not include a certificate of service. After respondents appear in this action,
18 petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

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21 DATED this 17th day of October 2011.

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23 UNITED STATES DISTRICT JUDGE
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